

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Randal Best,)	
)	C.A. No. 8:10-674-TLW-BHH
Plaintiff,)	
)	
vs.)	ORDER
)	
D. Drew, Warden, FCI-Bennettsville,)	
Luis Berrios, M.D., Clinical Director;)	
Julia Berrios, M.D./Medical Officer;)	
NFN Mumford, HSA Administrator, FCI-Bennettsville;)	
K. Wright, Director of Medical,)	
)	
Defendants.)	
_____)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce H. Hendricks on March 31, 2010. In her Report, Magistrate Judge Hendricks recommends that the Complaint in the above captioned case be dismissed without prejudice and without issuance and service of process. The plaintiff has filed objections to the report. In his objections, plaintiff suggests that he has timely submitted an administrative claim on a Standard Form 95, which has been denied. Plaintiff’s position appears to be supported by pages 8-15 of Exhibit A (Attachment One) to his Complaint. In light of plaintiff’s assertions, which appear to be supported by the noted documents, this Court finds it appropriate to remand this case to the Magistrate Judge for further proceedings, including issuance and service of process or submission of a Report and Recommendation setting forth in detail as to why process should not issue. Accordingly, the Court declines to accept the Report and Recommendation at this time.

IT IS SO ORDERED.

July 9, 2010
Florence, SC

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE